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Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Dear Mr. Secretary,

Enclosed please an original and eleven copies of Comments by the New York City Transit Police Department in the matter of Docket No. ET 94-32 in regard to the need for spectrum in the Public Safety Radio Services.

Respectfully submitted,



Carroll F. White, Director
Police Communications
New York City Transit Police Department
806 Ninth Avenue - CSU
New York, NY 10019

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the Matter of

Allocation of Spectrum Below) ET Docket No. 94-32
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To: The Commission

COMMENTS OF
NEW YORK CITY TRANSIT POLICE DEPARTMENT

FILED 10

JUN 15 1994

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The New York City Transit Police Department (Department), one of the largest police departments in the United States, whose 4500 sworn members patrol the largest mass transit system in the world, submit these comments in the ET Docket No. 94-32 Notice of Inquiry (NOI)¹ with reference to Footnote 21 of the NOI in which the Commission includes for consideration in the proceeding the Petition for Rule Making by the Coalition of Private Users of Emerging Multimedia Technologies (COPE)².

The NOI requests comment on spectrum in the bands 2390-2400 MHz, 2402-2417 MHz and 4660-4685 MHz. These bands offer little if any relief for wide area private radio systems either because of their location in the spectrum 4660-4685 MHz or because of the current or ongoing use of the bands by ISM users or the proximity to the 2450 MHz band.

¹ Adopted by the Commission on April 20, 1994 and released by the Commission on May 4, 1994.

² Filed with the Commission on December 23, 1993.

The Department envisions the future use of wireless video for use in its patrol vehicles to receive and transmit photographic images including fingerprints and 'mug shots'. Also new wireless video systems will be implemented to improve security on trains and buses. If these concepts are to become reality, an authorization of spectrum must be made now as the COPE petition suggests to foster the technical development and deployment of these technologies.

In February of 1991 the Department's then Chief of Police William Bratton appeared before the House Energy and Commerce Committee, Telecommunications and Finance Subcommittee. He testified to the severe spectrum shortage major city public safety agencies were facing.

"We need your help right now to cure a present deficiency of spectrum which is keeping us from implementing the modern communications systems we need right now, and we need your help to make sure there are spectrum provisions in the near future to let us take advantage of the high tech features that are under development now. H.R. 531 speaks to emerging technologies. We have seen glimpses of what is in store for the public safety community and we will need them. Some are right around the corner; some a little further down the road."

In his testimony, Chief Bratton acknowledged the commercial utilization of spectrum but, once again, asserted the need for Private Radio spectrum as delineated in the COPE petition.

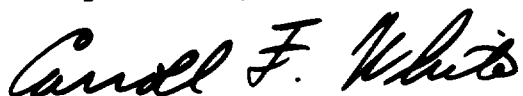
"The public safety community has no quarrel with the intent of H.R. 531 to make room in the spectrum for new commercial opportunities. We firmly applaud that intent of the bill, and will no doubt make good use of the services which will evolve. There must be the recognition by Congress and the Federal Communications Commission, however, that satisfying the public safety needs of the citizens of the United States is of a higher priority in allocations than any commercial exploitation of the spectrum."

The Department believes that, absent an allocation for Private Radio (Public Safety), the only access to future emerging technologies may be through the purchase of common carrier services which may not meet the specific operational, coverage (i.e., New York City subways) and reliability requirements of Public Safety users.

The major urban areas of the United States are out of spectrum to modernize and expand their public safety systems and/or to implement new systems with today's state of the art technology. There are up to a dozen metropolitan areas that require immediate or near term solutions.

Furthermore, no area of the country has adequate private spectrum to accommodate the emerging technologies. The New York City Transit Police Department supports the efforts of the Coalition of Private Users of Emerging Multimedia Technologies to initiate a rulemaking to allocate 75 MHz of spectrum for the development of an "Advanced Private Land Mobile Communication Service".

Respectfully submitted by

A handwritten signature in cursive script, reading "Carroll F. White".

Carroll F. White, Director
Police Communications
NYC Transit Police Department

806 Ninth Avenue - CSU
New York, NY 10019

June 14, 1994